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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,799	04/16/2001	Kevin Dean Wilder	01 PAT 136	6084
27645	7590	10/08/2004	EXAMINER	
ALWORTH LAW & ENGINEERING 505 CUMBERLAND ROAD TYLER, TX 75703-9324			MICHALSKI, JUSTIN I	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,799

Applicant(s)

WILDER, KEVIN DEAN

Examiner

Justin Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al. (Hereinafter "Ludwig") (US Patent 6,237,025). Ludwig discloses a method for connecting an echo/noise canceling device (Fig 18 A, 800) for suppressing background noise in internet telephony having microphone input sound output terminals and speaker input and output terminals to a personal computer having microphone input and speaker output terminals (802 and 804), comprising: a) connecting an audio microphone (600) to said microphone input terminal of said device (802); b) connecting a speaker (700) to said speaker output terminal of said device (804); c) interconnecting said microphone output terminal of said device to the microphone input terminal of the PC (Fig 19, Audio I/O 805); d) interconnecting said speaker input terminal of said device (audio I/O 805) to the speaker output terminal of the PC (inherent in network through 901); and, e) connecting a source of power to said device (it is inherent that power will be supplied to power the device).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Papadopoulos et al. (Hereinafter "Papadopoulos") (US Patent 6,137,879).

Regarding Claim 1, Ludwig discloses an echo/noise canceling device (Fig 18A, 800) for suppressing echoes and background noise during internet telephony using a personal computer (PC) coupled to the internet, comprising: a receive signal path (Fig 19, 805) having inputs for left and right loudspeaker signals coming from said PC and having outputs for left and right loudspeaker signals for application to a respective left and right loudspeaker (Ludwig discloses Headset, i.e. two channels, Col 17, line 39), having an echo logic circuit (814) coupled to said loudspeaker inputs (807) for generating a microphone attenuator control signal (outputs of 814) responsive to said loudspeaker signals (speaker 700 through microphone 600), and having left and right channel attenuators coupled to said speaker outputs responsive to a speaker attenuation control signal (813); a transmit signal path having an input circuit for a microphone input signal (802) and an output circuit (805) for providing an audio signal to said PC (inherent in network through 901), further providing an audio-mix signal derived from said microphone input signal (802), having a microphone attenuation circuit (814)

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responsive to said microphone attenuator control signal, and a microphone mute control signal (AV Mute 830); and, a microphone mute control circuit responsive to said audio-mix signal (through 816) for generating said speaker attenuation control signal and said microphone mute control signal. Although Ludwig discloses a mute circuit Ludwig does not disclose having a capacitive isolator circuit. Papadopoulos discloses a computer telephony headset with mute comprising a series capacitor to prevent capacitive transients when the mute switch is toggled (Col 6, lines 29-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a capacitive isolator to prevent noise in the signal output.

Regarding Claim 2, Ludwig discloses an echo/noise canceling device for suppressing echoes and background noise during internet telephony using a personal computer (PC) coupled to the internet (Figure 18A, 800), comprising: left and right loudspeaker inputs means for accepting left and right loudspeaker signals emanating from said PC (Fig. 19, 805) (Ludwig discloses Headset, i.e. two channels, Col 17, line 39); left and right loudspeaker output means (808); signal combining means coupled to said loudspeaker input means for providing combined left and right loudspeaker signals (output of 830 to 815); echo logic circuit means (814) coupled to said signal combining means for generating a microphone attenuator control signal responsive to said loudspeaker signals; left and right channel attenuator means (814) responsive to a speaker attenuation control signal coupled to said speaker input means and providing attenuated left and right loudspeaker signals coupled to respective left and right loudspeaker output means; microphone input signal means (802), microphone output

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means for providing an audio signal to said PC (805); means for providing an audio-mix signal derived from said microphone input signal and coupled to said microphone input means (EQ 815); microphone attenuation circuit means responsive to said microphone attenuator control signal coupled to said audio-mix signal (814); mute control means responsive to a microphone mute control said audio-mix signal and to said microphone output means (AV Mute 830); signal coupled to means for generating said speaker attenuation control signal derived from said audio-mix signal (output of pre amp 811); and means for generating said microphone mute control signal derived from said speaker attenuation signal (AV Mute 830).

Regarding Claim 4, Ludwig further discloses connecting a left channel speaker and a right channel speaker to said speaker output terminal of said device (Ludwig discloses Headset, i.e. two channels, through output 808; Col 17, line 39).

Allowable Subject Matter

5. Claims 5-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM


XU MEI
PRIMARY EXAMINER